IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE V.RAMKUMAR

THURSDAY, THE 4TH JANUARY 2007 / 14TH POUSHA 1928

Bail Appl..No. 7524 of 2006()

AGAINST THE ORDER IN CRMP.4916/2006 IN CRMP.4915/2006 of J.M.F.C.,KOTTAYAM

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: PETITIONER-1ST ACCUSED IN CR.286/06 OF PAMPADY P.S

SIVAKUMAR, S/O.SREEKANDAN NAIR,
SIVASILAM VEEDU, KOOVAPADY VILLAGE,ERNAKULAM DIST.

BY ADV. SRI.C.ANILKUMAR (KALLESSERIL)

RESPONDENTS: COMPLAINANT:

STATE OF KERALA (REP.BY CIRCLE INSPECTOR
OF POLICE, PAMPADY POLICE STATION - CRIME NO.286
OF 2006 OF PAMPADY POLICE STATION) REP. BY THE
PUBLIC PROSECUTOR, HIGH COURT OF KERALA,ERNAKULAM.

BY D.G.P. SRI. P.G. THAMBI

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 04/01/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

V. RAMKUMAR, J.

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Bail Application NO.7524 of 2006

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DATED: 04-01-2007

O R D E R

Petitioner who is the first accused in Crime No. 286 of 2006 of Pampady Police Station for offences punishable under Sections 120 (B) and 395 I.P.C. seeks his enlargement on bail. The petitioner was arrested on 28-9-2006 and ever since then he has been in judicial custody.

2. The occurrence took place on 26-9-2006 at about 2.30 p.m. when the de facto complainant and others who were carrying gold ornaments weighing 19 ½ kgms. worth more than rupees 68 lakhs were intercepted and were robbed off the gold ornaments by the accused persons. A1 was the driver of the car which was used for intercepting the vehicle of the de facto complainant.

3. I heard the learned counsel for the petitioner and the learned Director General of Prosecutions Sri. P.G. Thambi. The learned Director General of Prosecutions opposed the application submitting inter alia that even though the petitioner is not involved in any other crime, he had the pivotal role in the present crime by which gold ornaments meant for supply to various customers were robbed in pursuance of a clever ploy.

4. This being pre-trial incarceration and the petitioner who is the first accused is not shown as involved in any other crime, I do not think that the

continued detention of the petitioner is warranted. If ultimately the court finds him guilty, he will be entitled to condign punishment. Accordingly, the petitioner is directed to be released on bail on his executing a bond for Rs. 25,000/- (Rupees twenty five thousand only) with two solvent sureties each for the like amount to the satisfaction of the J.F.C.M - I, Kottayam and subject to the following conditions:

1. The petitioner shall make himself available for interrogation as and when required by the police till the filing of the final report.

2. The petitioner shall not influence or intimidate the prosecution witnesses nor shall he attempt to tamper with the evidence for the prosecution.

3. The petitioner shall not commit any offence while on bail.

If the petitioner commits breach of any of the above conditions, the bail granted to him shall be liable to be cancelled.

This application is allowed as above.

Sd/- **V.RAMKUMAR, JUDGE.**

ani.

/true copy/

P.A. to Judge.